

**UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
NORTHERN DIVISION**

In the Matter of:	}	
SIMPLICITY CATERERS	}	CASE NO. 19-81227-CRJ-11
SSN: XX-XXX0065	}	
	}	CHAPTER 11
Debtors	}	

**ORDER DISMISSING CHAPTER 11 CASE**

On April 19, 2019, Simplicity Caterers filed a Petition under Chapter 11 of the Bankruptcy Code on its own behalf without an attorney. Stephanie Lanier (“Lanier”) signed the Chapter 11 Petition as the owner of the Debtor. In response to Question 6 of the Petition, Lanier indicated that Simplicity Caterers is a corporation.

A Chapter 11 petition filed by the owner of a corporation without legal counsel is a legal nullity because a corporation cannot file for relief under the Bankruptcy Code and proceed *pro se*. *In re Encore Prop. Management of Western New York, LLC*, 2017 WL 6459356 \*1 (Bankr. W.D.N.Y. 2017)(explaining that a corporation cannot commence a proceeding *pro se*). “The rule is well established that a corporation is an artificial entity that can act only through agents, cannot appear *pro se*, and must be represented by counsel.” *Palazzo v. Gulf Oil Corp.*, 764 F.2d 1381, 1385 (11th Cir. 1985); *See also Wolfe v. Rodriguez (In re Rodriguez)*, 633 Fed. Appx. 524, 526 (11th Cir. 2015)(explaining “a corporation cannot appear *pro se* in litigation and must be represented by counsel because it is an artificial entity only able to act through its agents”).

**IT IS THEREFORE ORDERED, ADJUDGED AND DECREED**, pursuant to 11 U.S.C. § 1112(b), that this case is hereby **DISMISSED** *sua sponte* for cause.

Dated this the 22<sup>nd</sup> day of April, 2019.

/s/ Clifton R. Jessup, Jr.  
Clifton R. Jessup, Jr.  
United States Bankruptcy Judge